

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :	
REVOCATION OF THE LICENSE OF :	
JUSTIN P. POLACHEK, RN :	ADMINISTRATIVE ACTION
License No. 26NR11619900 :	
TO PRACTICE NURSING IN THE STATE :	FINAL ORDER OF
OF NEW JERSEY :	DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Justin P. Polachek ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. By Final Order filed on August 2, 2013, Respondent was ordered to undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program - the Recovery and Monitoring Program (RAMP). The Order directed Respondent to enroll in RAMP within thirty days for purposes of obtaining the comprehensive mental health and substance abuse evaluation.

3. Copies of the Final Order were mailed to Respondent's address of record via regular and certified mail. The regular mail was not returned. The United States Postal Service Track & Confirm system indicates that the certified mail was forwarded to an address in Gloucester City, New Jersey 08030 and delivered on August 15, 2013.

4. Respondent failed to enroll in RAMP and failed to undergo a comprehensive mental health and substance abuse evaluation.

#### CONCLUSIONS OF LAW

Respondent's failure to comply with a Board order is deemed professional misconduct pursuant to N.J.A.C. 13:45C-1.4, which subjects Respondent to discipline pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking to suspend Respondent's license to practice nursing in the State of New Jersey was entered on June 17, 2014. Copies were forwarded to Respondent's two last known addresses - one in Gloucester City and one in Port Murray - via regular and certified mail. The regular and certified mailings to the Gloucester City address were returned as "moved, forwarding time expired." The regular mail to Port Murray was not returned and the receipt for the certified mail

to Port Murray was signed by Respondent upon delivery.

The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon Respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final. Respondent cannot evade discipline by failing to respond.

ACCORDINGLY, IT IS on this 6<sup>th</sup> day of October, 2014,

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until he demonstrates that he is fit and competent, undergoes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, RAMP, and RAMP supports his reinstatement.

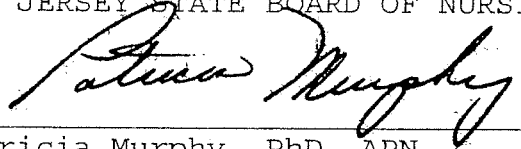
2. By undergoing evaluation, Respondent expressly waives any claim to privilege or confidentiality that he may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any disciplinary or licensing proceeding.

3. All costs associated with the evaluation and/or monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

4. Respondent shall refrain from practicing as a nurse and shall not represent himself as a Registered Professional Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
President